



20 September 2011

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 20 SEPTEMBER, 2011 COMMENCING AT 6.33PM.

247. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

247.1 Present

Cr B de Jong	Presiding Member
Cr C Collinson	
Cr R Lilleyman	
Cr S Martin	
Cr D Nardi	
Cr M Rico	
Cr A Wilson	
Mr S Wearne	Chief Executive Officer
Mr J Douglas	Manager Planning Services (To 9.35pm)
Ms J May	Minute Secretary (To 9.46pm)

248. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

249. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

There were 11 members of the public in the gallery at the commencement of the meeting.

250. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

251. RECORD OF APOLOGIES

Mayor Ferris
Cr Olson.

252. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

253. PUBLIC QUESTION TIME

Nil.

254. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

255. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

255.1 Council Meeting – 6 September 2011

Cr Nardi – Cr Lilleyman

That the Minutes of the Council Meeting held on 6 September 2011 be confirmed with the addition of Crs de Jong and Nardi in the list of elected members present at this meeting.

CARRIED

256. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION

256.1 Army Art

The Presiding Member advised that Council had received a certificate of appreciation for its financial assistance to the Army Art event held recently.



20 September 2011

MINUTES

257. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS

Nil.

258. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS

Nil.

259. CORRESPONDENCE (LATE RELATING TO ITEM IN AGENDA)

259.1 T103.5 View Terrace No 68 (Lot 1)

George Lim: Providing comment in support of his proposal for the demolition of the residence at 68 View Terrace.

Cr Lilleyman – Cr Martin

That the correspondence from Mr Lim be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 261.1).

CARRIED

259.2 T103.6 Canning Highway No 231 & Irwin Street No 5

Peter Paino: Setting out his perceived discrepancies in the officer's assessment of his proposed development at 231 Canning Highway/5 Irwin Street and submitting revised plans indicating the addition of balconies to the two units which are visible from Canning Highway.

Cr Lilleyman – Cr Martin

That the correspondence from Mr Paino be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 264.2).

CARRIED

259.3 T103.7 Pier Street No 3B

W & F Enright: Providing further objection to proposed front setback for the development at 3B Pier Street.

Cr Lilleyman – Cr Martin

That the correspondence from Mr & Mrs Enright be received and held over for consideration when the matter comes forward for discussion later in the meeting (MB Ref 264.3).

CARRIED

260. ORDER OF BUSINESS

Cr Lilleyman – Cr Rico

That the order of business be changed to allow members of the public to address agenda items.

CARRIED

261. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)

261.1 T103.5 View Terrace No. 68 (Lot 1)

Applicant: Webb & Brown-Neaves Pty Ltd

Owner: George Lim & Christine Hu

Application No. P97/2011

The email from Mr Lim, referred from Correspondence (MB Ref 259.1) was tabled.

The following additional information provided by the Manager Planning Services was considered:

At its meeting on 13 September 2011 The Town Planning & Building Committee considered an application for Planning Approval for the demolition of a single storey dwelling and the construction of a two storey dwelling at 68 View Terrace. The



20 September 2011

MINUTES

Committee decided not to adopt the recommendation for conditional approval of the proposed demolition and new dwelling and resolved as follows;

"That the application be deferred to the Council Meeting on 20 September to allow the Manager Planning Services to provide the wording of an alternate recommendation".

The property owner Mr. Lim addressed the Committee and referred to plans for extensions to the existing house which formed part of a previous application which was not supported by the Town Planning Advisory Committee and the application was accordingly withdrawn. These plans are attached for information.

In response to the Committee's resolution, following is the wording of an alternate recommendation, which would be appropriate in the event of elected members wishing to refuse the application.

RECOMMENDATION

It is recommended that the application for the demolition of an existing dwelling and the construction of a single dwelling at 68 View Terrace, East Fremantle in accordance with the plans date stamp received on 1 July 2011, be refused for the following reasons;

- 1. It does not comply with relevant R-Code 'Acceptable Development' provisions in respect to side and rear boundary setbacks and visual privacy.*
- 2. It does not comply with Council's Local Planning Policies (LLP 142 Residential Development) in terms of front setback and height.*
- 3. It would conflict with the provisions of the Town of East Fremantle Town Planning Scheme No. 3, Clause 10.2 (a), (g), (l), (o) (p) because it would detrimentally impact upon the visual and residential amenity of the area and the streetscape and would not preserve the existing character of the Town.*

Mr Clinton-Burns (representing Webb & Brown-Neaves) and Mr Lim (owner) addressed the meeting in support of the proposal.

262. ADJOURNMENT

Cr Nardi – Cr Rico

That the meeting be adjourned at 6.50pm to allow further discussion on this matter. CARRIED

263. RESUMPTION

Cr Rico – Cr Lilleyman

That the meeting be resumed at 7.35pm with all those present prior to the adjournment, in attendance. CARRIED

**264. TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)
(CONTINUED)**

264.1 T103.5 View Terrace No. 68 (Lot 1)
Applicant: Webb & Brown-Neaves Pty Ltd
Owner: George Lim & Christine Hu
Application No. P97/2011
Cr Wilson – Cr Nardi

That the application be deferred and the applicant be invited to submit an amended proposal which complies with roof and wall height, and front setback provisions of Council's LPP No 142. CARRIED



20 September 2011

MINUTES

- 264.2** *T103.6 Canning Highway No. 231 & Irwin Street No. 5 (Lots 500 and 1852 respectively)
Proposed Eight Grouped Dwellings & Two Single Dwellings
Applicant: Paintessa Developments Pty Ltd
Owner: Peter Paino
Application No. P58/2011*

The following amended report prepared by the Manager Planning Services was considered:

***Canning Highway No. 231 & Irwin Street No. 5 (Lots 500 and 1852 respectively)
Proposed Eight Grouped Dwellings & Two Single Dwellings***

By Jamie Douglas, Manager Planning Services on 16 September 2011

PURPOSE OF THIS REPORT

This report considers an application for Planning Approval for eight two storey grouped dwellings and two, two storey single dwellings on a lot with frontage to 231 Canning Highway and a vacant lot at No. 5 Irwin Street. The application is recommended for refusal.

BACKGROUND

The proposal is for 8 grouped dwellings and two single dwellings to be developed on two conjoined lots with frontage to the Canning Highway and Irwin Street. The subject site contains a former car yard which has existing developments comprising a hardstand area and office/workshop building while the conjoined lot with frontage to Irwin Street is vacant.

It is proposed to amalgamate the two existing lots and then re-subdivide the property to create two green title lots and a road widening reserve. The larger lot with Canning Highway frontage would be strata titled and contain 8 grouped dwellings with access via a shared driveway from Irwin Street. These dwellings would be numbered Units 1 to 8 – No.5 Irwin Street. The remaining lot with frontage to Irwin Street would be divided into two strata lots each with a street front access and would be numbered 3A and 3B Irwin Street.

Following the initial lodgement of the application on 21 April 2011 the application was found to be incomplete and was deferred pending further information including an Audio Consultants Report, Landscape Plan and fencing/streetscape details. This was received and considered by the Town Planning Advisory Panel on 24 May 2011. Following further extensive consultation between planning staff and the applicant, the applicant submitted amended plans on 9 August 2011 which were subsequently readvertised to neighbours and reconsidered by the TPAP at its meeting on 23 August 2011.

Description of site

The subject site is:

- a 2858m² block
- zoned Residential R12.5/ R 40
- vacant undeveloped lot
- located in the Woodside Precinct.

Statutory Considerations

Town Planning Scheme No. 3 – Residential R20
Residential Design Codes (RDC)

Relevant Council Planning Policies

Residential Development LPP 142
Noise Attenuation LPP
Roof Pitch LPP 66
Front Fence LPP 143
Crossovers LPP 123



20 September 2011

MINUTES

Impact on Public Domain

Tree in verge : Yes three trees to be felled and replanted on Irwin Street
 Light pole : No impact
 Crossover : Proposed new crossovers
 Footpath : No impact
 Streetscape : The proposal will impact the streetscape

Documentation

- Initial lodgment of plans and relevant forms date stamp received on 27 April 2011.
- In response to Council requests further information was lodged on 31 May 2011
- Revised plans were lodged on 9 August 2011
- Further plans received on 16 September 2011

Date Application Received

27 April 2011

Any Relevant Previous Decisions of Council and/or History of an Issue or Site

Nil.

Site Inspection

By Manager Planning Services on 10 August 2011

CONSULTATION**Referral**Main Roads WA

The subject property is affected by a 5m Primary Regional Roads widening requirement for Canning Highway. The submitted plan indicates the PRR widening requirement has been addressed and the proposal will not have direct vehicular access onto the Canning Highway. Accordingly the DoT has no objections to the proposal subject to the applicant making good any damage to the existing verge vegetation.

Department of Planning

The Department has advised that the proposal to utilise the road widening reserve for public open space is not supported. The Department advises that should the Town approve the application, then a payment of money in lieu of land being set aside for open space should be a condition of any approval. The Department also advises it does not support the erection of any significant structures within the area marked for public open space on the submitted site plan.

Advertising

The application was advertised to surrounding neighbours for a two week period between the 9 and the 24 June 2011. In response to comments from neighbours and the TPAP, revised plans were submitted on 9 August 2011 and these were reconsidered by the TPAP at its meeting on 23 August 2011.

At the close of advertising (3) submissions were received, which are summarised and responded to below:

Submission	Planning Response
<u>Catherine O'Neill, 8 Irwin Street</u> <ul style="list-style-type: none"> • Entry and exit to the complex needs to include the current capacity for entry and exit from Canning Highway for at least half the complex. Instead, all traffic to and from the development will be diverted onto Irwin Street, given the high number of dwellings, its corner location, existing traffic pressures due to proximity of Irwin Street/ Canning 	<ul style="list-style-type: none"> • Objection supported in part. It is advised that it is one of the Scheme requirements that for entitlement for the application to be assessed at R40, the development cannot be accessed from Canning Highway. However it is considered that the 3 accessways in Irwin Street shown on the plan, should be consolidated into one.



20 September 2011

MINUTES

<p>Highway junction and the popularity of the park on the opposite corner, this will increase in traffic in this already dangerous location.</p> <ul style="list-style-type: none"> • 3 new cross-overs from Irwin Street will require the existing Eucalyptus ficifolia on the verge to be felled and replaced by smaller plantings. These trees have taken many years to mature and should be retained. • The amount of area allocated to "open and green space" in the complex needs to be increased to allow for larger trees and the species to be planted should be native species to allow for birdlife and water efficiency. • There should be more space allocated to residents own 'open and green space'. • Buildings need to incorporate environmental best practice – energy use, water use and recycling, control of stormwater run -off etc. • The complex should be reduced in size to 8 dwellings only. 	<ul style="list-style-type: none"> • Supported. Consolidation of driveways access would reduce the need to remove these trees. • The proposal meets the absolute minimum requirements for open space under the R-Codes by the utilisation of the communal driveway (which is permissible under the Codes). It is considered that the road widening reserve should not be credited as communal open space as proposed by the applicants. • The proposal complies with the minimum area requirements of the R-Codes although some units outdoor areas do not meet the minimum dimension for outdoor areas. • Agreed however performance in respect to sustainability is addressed by the BCA. • Noted. The proposal has been designed to maximise development potential under R-40.
<p><u>Margi Shipley, 7 Irwin Street</u></p> <ul style="list-style-type: none"> • Seeks reassurance in respect to any damage to her property arising from construction activities – wants a dilapidation report of her property prepared by applicant prior to construction commencing. • Common fencing should be replaced by applicant if it is damaged. • Verge should not be used for construction purposes. • Given existing traffic and parking issues in Irwin Street – queries effectiveness of electronic gate and how this will impact on useability of visitor parking • Objects to impact of roadside rubbish collection with impact of 20 additional 	<ul style="list-style-type: none"> • The applicants have agreed to undertake a dilapidation report. • The applicants have agreed to this • Noted • An intercom will be provided at the gate to allow visitor access. • It is agreed that this is undesirable. however the Town does not have an



20 September 2011

MINUTES

bins on the verge.	alternative means of waste collection that can be utilised. It is proposed to have rubbish collection from both road frontages reducing the number of bins on Irwin Street to 8.
<u>L. Tagliaferri & N. Lamb, 3/6 Irwin Street</u> <ul style="list-style-type: none"> • Ongoing stormwater drainage problem • Parking in Irwin Street – there is a scarcity of spaces because of the popularity of Lee Park. • Traffic in Irwin Street is quite congested due to proximity to the Highway junction, with the positioning of access for the extra dwellings it will become even more busy. 	<ul style="list-style-type: none"> • The existing stormwater problem would be resolved by the development. • Noted, see above comments, three crossovers should be reduced, visitor parking should be compliant. • Noted, addressed above.

Town Planning Advisory Panel Comments

This application was considered by the Town Planning Advisory Panel at its meeting held on 24 May 2011 and the following comments were made:

- Houses backing onto Canning Highway need to address the Canning Highway streetscape.
- These houses need to have individual pedestrian access to Canning Highway as well as a larger common access for all units (a total of 3 fronting Canning Highway.)
- Fence fronting Canning Highway is non-compliant and needs to be redesigned to meet the requirements of LPP143.
- Rubbish bins?
- Consider a 'lighter' choice of material and design for units so as to appear contemporary and distinct in comparison to existing heritage housing stock.
- Query open space calculation is compliant.
- Query energy efficiency.
- Use of road widening for Public Open Space offset not supported.

The applicant provided revised plans and additional information in response to the Panel's comments. This was reconsidered by the Panel at its meeting on 23 August 2011.

- Given the application is for a large increase in density bonus from R12.5 to R40, the panel considers that the applicant has not designed sensitively enough for the locale to deserve the density bonus applied for.
- Particularly the Panel notes, that previous comments requesting that the houses abutting Canning Hwy be located so that they present to Canning Hwy, appear to have been ignored.
- Given the minimal amount of on-street parking in the immediate area, it is not considered acceptable to implement 3 crossovers for this development and in so doing lose off-street parking bays. The panel recommends one crossover only to the development and more visitor parking bays be provided on-site.
- The Panel notes in particular the location of a community park opposite the development that would put further pressure on available parking.
- The Panel reiterates in general all previous comments.

STATISTICS

Because of the complexity of this assessment, the proposal has been considered as follows:

- R-Code provisions applicable to the entire site
- R-Code provisions applicable to each dwelling
- Compliance with Local Planning Policies



20 September 2011

MINUTES

R-Code Provisions Applicable to the Entire Site

Total Site Area:	2858m ² (excludes Road Widening Reserve of 208m ²)
Primary Street Setback:	6.6metres which exceeds the requirements of the R-Codes (6 metres)
Secondary Street Setback:	Average of 4.5 metres which exceeds the requirements of the R-Codes (4 metres)
Surveillance of the Street:	Each unit has an upper floor window and ground floor windows which provide the necessary surveillance to the roads and to the communal driveway.
Landscaping Requirements:	Bin storage areas not provided - Discretion
Access and Parking:	2 bays provided for each dwelling 4 visitors bays provided (3 required) Visitor Bay adjoining Canning Highway and in proximity to Garage for Unit 5 will not meet vehicle manoeuvring requirements – Discretion Visitor spaces not located 'outside any security barrier' – Discretion
Site Works:	Cut and retain to 1 metre at the front of the site - Discretion
Building Height:	Complies with Table 3 of the R-Codes. Wall heights do not exceed 6m & top of pitch does not exceed 9m.
Privacy Requirements:	No overlooking will occur between each unit. No overlooking will occur to adjoining properties with all windows to habitable rooms being setback as per the requirements of the R-Codes.
Design for Climate:	Overshadowing does not exceed 35% of the site area and therefore complies with the R40 requirements of the R-Codes.
Essential Facilities:	Each Unit has a store area which meets the minimum requirements of the R-Codes being 4m ² . No communal storage area for rubbish bins - Discretion Adequate clothes drying areas provided for each unit except for Units 9 and 10 - Discretion
Communal Open Space:	Common driveway area only – complies with R-Code minimum requirements
Outdoor Living Areas:	Minimum width is less than 4 metres - Discretion

R-Code Provisions Applicable to Each Dwelling

	Unit 1	Unit 2
Lot Area	236m ²	Lot area = 203m ²
Site Cover	140.20m ² (excludes alfresco and porch)	138.81m ² (excludes alfresco and porch)
Open Space	50.74% (includes alfresco and porch and proportionate share of Communal driveway)	44.84% (includes alfresco and porch and proportionate share of Communal driveway) Discretion
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall



20 September 2011

MINUTES

Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

	Unit 3	Unit 4
Lot Area	203m ²	Lot area = 244m ²
Site Cover	138.00m ² (excludes alfresco and porch)	151.65m ² (excludes alfresco and porch)
Open Space	45.2% (includes alfresco and porch and proportionate share of Communal driveway)	48.2% (includes alfresco and porch and proportionate share of Communal driveway)
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

	Unit 5	Unit 6
Lot Area	264m ²	203m ²
Site Cover	148.8m ² (excludes alfresco and porch)	138.81m ² (excludes alfresco and porch)
Open Space	52.41% (includes alfresco and porch and proportionate share of Communal driveway)	44.84% (includes alfresco and porch and proportionate share of Communal driveway)
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot



20 September 2011

MINUTES

	Unit 7	Unit 8
Lot Area	203m ²	205m ²
Site Cover	138.81m ² (excludes alfresco and porch)	138.81m ² (excludes alfresco and porch)
Open Space	44.84% (includes alfresco and porch and proportionate share of Communal driveway)	44.73% (includes alfresco and porch and proportionate share of Communal driveway)
Communal Open Space	Communal driveway – proportionate share = 48.62m ²	Communal driveway – proportionate share = 48.62m ²
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

	Unit 9	Unit 10
Lot Area	Lot area = 200m ²	200m ² (subject to Clause 6.1.2 of R-Codes)
Site Cover	116.74m ² (excludes alfresco and porch)	116.3m ² (excludes alfresco and porch)
Open Space	42% (includes alfresco and porch)	42% (includes alfresco and porch)
Communal Open Space	Nil	Nil
Outdoor Living	71.4m ²	71.4m ²
Boundary Setbacks	Compliant	Compliant
Boundary Walls	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall	2 proposed (1 permitted up to 1 lot boundary only under R-Codes) Discretion required to approve second boundary wall
Garage Doors	Not visible to street	Not visible to street
Open Space	Calculations comply with R-Codes when assessed as one lot	Calculations comply with R-Codes when assessed as one lot

Compliance with Local Planning Policies

Roof Pitch LPP 66: Dominant elements less than 28 degrees and Discretion required

Front Fence LPP 143: The fence fronting the Canning Highway exceeds the maximum height of 1.8 metres by 100mm and is not visually permeable above 1.2m – Discretion required under Part 4.



20 September 2011

MINUTES

- Crossovers LPP 123: The policy specifies a standard width of 3 metres for crossovers (4m proposed and further requires only 1 crossover per lot (3 proposed) and no street trees removed unless approved by absolute majority of Council (proposal requires trees to be felled) –Discretions required
- Noise Attenuation LPP: The proposal is compliant with the Policy requirements

ASSESSMENT

This assessment considers the various issues which have been raised above, within the context of the statutory provisions of the Planning Scheme, R-Codes and Local Planning Policies.

Town Planning Scheme No. 3

The subject site has a density coding of R12.5/ R40 under the TPS No3 accordingly the following scheme provision is relevant.

5.3.2 Highway frontage dual coding:

In the case of those sites with frontage on to Canning

Highway and which are designated with a dual density coding, development above the lower density coding is subject to the following requirements:

- (a) Sole vehicular access to the site is to be via a street other than Canning Highway;*
- (b) Noise attenuation measures are to be included in all dwellings, which will in the opinion of the local government, reduce traffic noise to an acceptable level within all habitable rooms;*
- (c) Development is to be designed to face the frontage to Canning Highway, and any other street to which the site has frontage; and*
- (d) The heritage value of any place included on the heritage list under clause 7.1 of the Scheme is to be maintained, to the satisfaction of the local government.*

Note: Development of land affected by the Primary Regional Road Reserve associated with Canning Highway is also subject to the requirements of the Metropolitan Region Scheme.

In response to the initial comments by the TPAP that the houses fronting Canning Highway need to address the street, the applicant responded with a number of design amendments affecting the detailing of the relevant two dwellings. The TPAP reviewed these changes and considered the amended design still did not meet the requirements in this regard. It is considered that the design changes are superficial and the relevant buildings remain orientated 'sideways' to the Canning Highway. It is considered that these dwellings need to be re-orientated to face the Canning Highway with major openings, a 'front door' and pedestrian access addressing this frontage in order to comply with sub-clause (c) of clause 5.3.2. and clause 10.2 (o) and (p) of TPS No 3.

The proposed development is to be serviced by three crossovers and vehicular access ways onto Irwin Street. Objectors have raised concerns regarding the loss of kerbside parking arising from the proposed multiple crossovers and the impact of traffic movements onto Irwin Street at this location which is opposite Lee Park and in close proximity to the Canning Highway junction. It is considered that these concerns are valid and are further exacerbated by the proposed security gate which would block casual access to visitor parking on site and is in conflict with the requirements of the R-Codes. It is also considered the proposed 3 overwidth crossovers would be detrimental to the existing character and amenity of the area. Accordingly the proposal is not considered to meet the requirements of LPP 123 (as it requires multiple crossovers of 4 metres wide) and Clauses 10.2 (a), (b), (c), (g), (o), (p) and (q) of TPS No 3.

Vehicular access to the subject site should be by a single accessway from Irwin Street which would require the redesign of the proposed dwellings fronting that street.



20 September 2011

MINUTES

At the request of staff, the applicants have submitted a report by audio consultants which incorporates necessary design requirements to meet Council's Noise Attenuation Planning Policy. The proposal is considered to be compliant with the requirements of this Policy.

The proposal seeks to maximise the development potential of the site under the R-Codes and in doing so it requires an exercise of discretion in regard to the 'acceptable development' standards in respect to some onsite provisions. This is reflected in the extent of hardstand areas (principally for the movement of vehicles). The only communal open space proposed is the communal driveway. There are no landscape areas for substantial trees to provide shade or for water permeability. The applicant had proposed that the area to be designated for 'road widening' would be designated as 'public open space' and would be landscaped. However the Department of Planning has advised that this proposal would not be acceptable as 'public open space' and that 'cash in lieu' should be required. In any event this area of 'road widening' would provide no long term amenity for occupants of the site or for the community in general when it is developed for its intended purpose. It is also noted that the proposal would require existing mature verge planting on Irwin Street to be removed and substituted with smaller planting within the reduced verge space. Accordingly it is considered that '*adequate provision for landscaping of the land*' has not been made as required by clause 10.2 (w) of TPS No 3.

As identified in the preceding statistical analysis of the proposal, any approval would require a variation in the R-Code 'acceptable development' requirements in respect to visitor parking, the amount of cut and fill to be undertaken, the lack of communal storage area for rubbish bins, lack of adequate clothes drying areas, the minimum dimension of outdoor living areas for the dwellings and boundary wall setbacks between the dwellings. The combination of the above is an indication of the poor level of design and overdevelopment of the site and as such it is considered the proposal does not merit an exercise of discretion in regard to these numerous issues. In addition the proposal does not meet the requirements of Council's Local Planning Policies in respect to roofing, Fences and crossovers.

CONCLUSION

The proposal has not been supported by the Town Planning Advisory Panel and is the subject of valid objections from neighbours. Council is required under clause 10.2 (a) and (z) of TPS No.3 to have regard to such submissions when determining an application for development.

The subject site has a density coding of R12.5/ R40 under the TPS No3. It is a requirement of the Scheme that the criteria identified in Clause 5.3.2 must be met for consideration of development at R40 density. The proposal does not adequately address the Canning Highway frontage and accordingly fails to meet the criteria for R40 coding and it does not comply with the R12.5 coding of the Scheme.

The proposal is considered to be an overdevelopment of the site and as a consequence landscape provisions are inadequate and many of the necessary 'acceptable development' requirements of the R-Codes are not met, in relation to on site facilities (clothes drying and rubbish bin storage areas, visitor car parking, dimension of outdoor living areas) and setbacks.

The proposal does not conform to Council's Local Planning Policies in terms of the pitch of the roofs, the height and permeability of the fence on Canning Highway and the number and width of the proposed crossovers. In particular, the multiplicity of proposed access points is considered to be undesirable at this location in Irwin Street given its proximity to a neighbourhood park and highway intersection.

Notwithstanding attempts by staff to encourage the applicant to submit a proposal which achieved a higher level of design, the applicant has requested that the submitted proposal incorporating minor design changes as lodged in amended plans with Council on Friday, 16 September 2011 be determined.



20 September 2011

MINUTES

In light of the above it is considered the proposal should be refused.

RECOMMENDATION

It is recommended that the application for eight grouped dwellings at 231 Canning Highway and two, single dwellings at No. 5 Irwin Street, which was received on 9 August 2011, be refused for the following reasons:

1. It does not meet the requirements for R40 density development under clause 5.3.2 (c) of the Town of East Fremantle Town Planning Scheme No. 3, because dwellings with frontage to Canning Highway do not face the Highway.
2. It would conflict with the provisions of the Town of East Fremantle Town Planning Scheme No. 3, Clause 10.2 (j), (o), (q), (w) because access provisions are inadequate, it would detrimentally impact upon the visual amenity of the area and the streetscape and has inadequate landscaping provisions.
3. It does not comply with relevant R-Code provisions in respect to on site facilities (clothes drying and rubbish bin storage areas, visitor car parking, dimension of outdoor living areas) and boundary wall setbacks.
4. It does not comply with Council's Local Planning Policies (LLP 66 Roofs, LPP 143 Fences and LPP 123 Crossovers) in respect to the pitch of the roofs, the height and permeability of the fence on Canning highway and the number and width of the proposed crossovers.

The letter from Mr Paino, referred from Correspondence (MB Ref 259.2) was tabled.

The Manager Planning Services submitted comments to points raised in Mr Paino's letter and the letter, together the Manager Planning Services' bolded comments, are set out below:

"16 September 2011

*Chief Executive Officer
Town of East Fremantle
135 Canning Highway
EAST FREMANTLE WA 6158*

Dear Sir

***PROPOSED DEVELOPMENT CNR 231 CANNING HWY & 5 IRWIN ST,
EAST FREMANTLE –APPLICATION NO. P58/2011
COUNCIL'S PLANNING ASSESSMENT***

We received the Council's Planning Assessment for the above proposed development on Monday 12 September 2011 on the Agenda for the Town Planning & Building Committee meeting on Tuesday 13 September 2011. We are extremely disappointed that there are numerous errors in the assessment, which would have a negative influence on the Councillors when considering the information.

I attended the council meeting and pointed out some of the errors, but I would now like to formally address these errors so that the Councillors can properly assess our proposal prior to the Council meeting on 20 September 2011.

The letter restates the points raised at the Committee meeting which were addressed on the night.

The development has been designed to the Residential Design Codes for the R40 zoning, which is applicable to the site.

OPEN SPACE

Table 1 of the codes requires a minimum of 45% of the total site area to be for open space. The total site coverage for the site is 1368.32 m². The total site area is 2858 m²,



20 September 2011

MINUTES

which gives site coverage as 47.88% and therefore open space is 52.12%. We therefore have 7.12% (203.5 m²) more open space than the minimum requirement.

Even deleting the Road Widening Reserve, (which is not a requirement for the calculation), the open space equates to 51.6% and is 6.6% more than the minimum requirement.

For Grouped Dwellings there is no requirement for open space per unit, only for the total site area. Further, there is no requirement for communal open space. However, we have provided the Road Widening Reserve for this purpose as a bonus.

R-Codes design element 6.4.1 requires open space in accordance with Table 1 this requires 45% open space for the site in total and 20m² minimum outdoor living area for each dwelling.

The council's planning assessment that the proposed development does not meet Open Space requirements is therefore incorrect.

The assessment is correct. It does not say the proposal is deficient in respect to open space requirements for the site.

VISITOR PARKING

We intend to create 3 green title lots with the proposed subdivision of the site.

The large, rear lot will have 8 strata units which under 6.5.1 –A1 (ii) of the codes only requires 2 visitor car bays. We have proposed 4 and therefore exceed the requirements. Further, we have designed the development with extra parking in mind. Each unit has room for a car to park parallel to the garage door creating an extra visitor car bay per unit.

The two single houses on Irwin Street, which under 6.5.1 –A1 (i) of the codes do not require visitor car bays. However, we have room for 2 visitor car bays in front of each unit. If double crossovers of 5.0m wide are allowed then we could provide another 2 visitor car bays per house. As there seems to be a concern with visitor parking in Irwin Street, then this is a way of alleviating this concern.

We consider there is ample parking on-site and on-street to cater for this development. With public transport at Canning Highway and shops nearby the need for car parking is also reduced. The proposed development way exceeds the amount of visitor parking requirements and the council's planning assessment stating that it does not comply is incorrect.

Visitor car parking does not comply in terms of its design and location. There is inadequate area provided to manoeuvre into some of the spaces. All visitor spaces are located behind a locked security gate at the entrance to the development this is contrary to 6.5.3 of the R-Codes which requires such spaces to be outside any security barrier.

CROSSOVERS

With Stage 1 of the proposed development, we intend to create 3 green title lots with the subdivision of the site and each lot is entitled to a crossover.

Stage 2, after subdivision, East Fremantle Town Planning Policy 5.3.2(a) would require sole access from Irwin Street to the main rear lot to gain R40 development approval. The intention of the clause is not to have 1 crossover in total but to have no crossover on Canning Highway, which we have designed.



20 September 2011

MINUTES

For a development of 10 dwellings to have 3 crossovers is not asking too much. There will be no crossovers to the long verge on Canning Highway and the proposed 3 new crossovers are located away from the corner so as not to be dangerous to traffic.

We consider the council's planning assessment that the number of crossovers does not comply with planning policy is incorrect.

The proposal is for three 4 metre wide crossovers which will require the removal of three street trees. The provisions of LPP 123 –Footpaths & Crossovers are:

- ***Standard crossovers width will be 3 metres.***
- ***3.4 No street trees will be removed for a crossover unless agreed by an absolute majority of Council.***
- ***3.5 There will be only 1 crossover per lot unless otherwise agreed by an absolute majority of Council.***

The proposal does not comply with the above provisions of the Policy.

OUTDOOR LIVING

As per 6.4.2 –A2 (R40 zoning) of the codes, we exceed the minimum 20 m² total per unit and two-thirds of this area (13.33 m²) for uncovered area per unit. All outdoor living areas exceed the 4.0 m minimum width, which is allowed to include the alfresco areas. Clothes drying areas and bin locations have been shown on the plans provided and can be included in outdoor living areas.

We consider the council's planning assessment stating that the proposed development does not meet Outdoor Living requirements is incorrect.

The dimensions shown in respect to the alfresco areas on the proposal plans do not meet the minimum requirements of the R-Codes in some instances. However when the setback areas are combined with the dimensioned areas of the 'alfresco areas' it is accepted that the minimum dimension requirements for outdoor living areas can be met.

There are no clothes drying facilities for units 9 & 10. No communal pick up area for bins – (20 bins are to be accommodated) this does not comply with 6.10.3 of the R-Codes.

BOUNDARY WALLS

As per 6.3.2 – P2, we consider the proposed development meets the performance criteria relating to buildings on boundaries, which are:

- *makes effective use of space*
- *enhances the amenity of the development*
- *does not have significant adverse effect on the amenity of the adjoining property*
- *ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

There are no boundary walls that create overshadowing problems, or exceed two-thirds of the boundary. Although on 2 side boundaries, discretion should be given for such a large lot and the fact that there are no boundary walls on the southern boundary, which would affect overshadowing the most.

The proposal lacks sufficient merit for an exercise of discretion in respect to boundary setbacks.



20 September 2011

MINUTES

TREES ON VERGES

There are 3 small trees on the council verge that need removal and replacing. It is not possible to retain these trees and we intend to provide 2 new trees on the Irwin Street verge and 5 new trees on the Canning Highway road widening reserve.

The provisions of LPP 123 –Footpaths & Crossovers state;

3.4 No street trees will be removed for a crossover unless agreed by an absolute majority of Council.

We feel with Lee Park opposite plus our contribution of 10% land valuation payment for Public Open Space on subdivision will more than compensate for the loss of these 3 trees.

Although the council has discretion on certain issues, we feel that there are numerous assessment errors that need correcting.

It is accepted that the minimum dimensions in respect to outdoor living areas can technically meet the minimum requirements of the R-Codes and to this extent the report stands correction. However there are no errors in the assessment as the letter alleges, that materially impact upon the recommendation for refusal.

We trust that Council can now appreciate that the development has been designed to conform to the Residential Design Codes for R40 zoning and will now grant planning approval for our proposed development.

It should be noted that the provisions quoted are the absolute minimum requirements under the R-Codes for such a development. Compliance with these provisions does not necessarily constitute good design nor meet the Scheme requirements of clause 5.3.2 and clause 10.2 of the Scheme.

Yours faithfully

*Peter Paino
General Manager"*

Mr Paino (owner) addressed the meeting in support of his amended proposal.

Cr Wilson – Cr Martin

It is recommended that the application for eight grouped dwellings at 231 Canning Highway and two, single dwellings at No. 5 Irwin Street, which was received on 9 August and 16 September 2011, be refused for the following reasons:

- 1. It does not meet the requirements for R40 density development under clause 5.3.2 (c) of the Town of East Fremantle Town Planning Scheme No. 3, because dwellings with frontage to Canning Highway do not face the Highway.**
- 2. It would conflict with the provisions of the Town of East Fremantle Town Planning Scheme No. 3, Clause 10.2 (j), (o), (q), (w) because access provisions are inadequate, it would detrimentally impact upon the visual amenity of the area and the streetscape and has inadequate landscaping provisions.**
- 3. It does not comply with relevant R-Code provisions in respect to on site facilities (clothes drying and rubbish bin storage areas, visitor car parking) and boundary wall setbacks.**
- 4. It does not comply with Council's Local Planning Policies (LLP 66 Roofs, LLP 143 Fences and LPP 123 Crossovers) in respect to the pitch of the roofs, the height and permeability of the fence on Canning highway and the number and width of the proposed crossovers.**

CARRIED



20 September 2011

MINUTES

264.3 T103.7 Pier Street No. 3B (Lot 1) – Two Storey Dwelling**Applicant: Residential Attitudes****Owner: Andrew Blair & Jennifer Anderton****Application No. P100/2011**

The letter from W & F Enright, referred from Correspondence (MB Ref 259.3), was tabled.

The following additional information provided by the Town Planner was considered:

"The TP&B Committee resolved to recommend that the application for 3B Pier Street be deferred to allow the applicants to address the dominance of the garage to the streetscape and compliance with Council's LPP No. 142. Points of clarification are detailed below.

The application proposes to construct a garage forward of the ground floor building line and is subject to the requirements of Clause 6.2.8 of the Residential Design Codes which is inserted below.

Performance Criteria	Acceptable Development
<i>The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors.</i>	<i>Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.</i>

The width of the garage complies with the R-Codes as follows:

- The garage at 3B Pier is proposed to be 6 metres wide and will occupy 56% of the frontage of the lot in lieu of the 60% maximum permitted under the R-Codes.*
- The opening of the garage (garage door) only occupies 39.9% of the frontage of the lot and will reduce the size of the garage as it is viewed from the street.*
- An upper floor balcony extends further forward than the garage and is 700mm wider than the garage and this reduces the dominance of the garage and articulates the front elevation.*

Council's LPP No. 142 requires that the garage be located at or behind the main building line. The application has been determined to not comply with this requirement because of the garage being forward of the porch on the ground level. As detailed in the report the applicants submit that the facade of the house has been designed to take emphasis away from the garage component by way of the following:

- The balcony cantilevers over the garage & is wider than the garage.*
- The balcony has been highlighted with a different colour to articulate the frontage.*
- The garage door height is at a minimum to fit an average family sized vehicle.*
- A clearly defined entry portico and double entry doors have been used.*

Should Council not support the discretion to allow the garage forward of the main building line it is recommended that the application be approved with a new Condition No. 1 being included as follows:

"1. the submission of revised plans, which demonstrate compliance with LPP No 142 by pulling the portico forward of the garage, and which are to the satisfaction of the CEO."

and all other conditions being renumbered."

Mr Ronciewicz (applicant) addressed the meeting in support of the original application and circulated photos of other residences within the Town with similar front elevations.



20 September 2011

MINUTES

Mr Ronciewicz advised that the owners had agreed to increase the front setback as recommended in the earlier officer's report.

Cr Nardi – Cr Lilleyman

That Council exercise its discretion in granting approval for the following:

- (a) variation to the setback requirements to allow a 1.0 and 1.62 metre setback for the upper floor ensuite and balcony in lieu of the R-Code requirements of 1.2m and 3.2 metres, respectively

for the construction of a two storey residence at No. 3B Pier Street in accordance with the plans date stamp received on 9 August 2011 and the 29 July 2011 (streetscape elevation) subject to the following conditions:

1. Prior to the issue of a Building Licence amended plans are to be submitted which increase the setback to the street from 6.26 metres to 6.5 metres and from 7.26 metres to 7.5 metres.
2. Prior to the installation of an externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.
3. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
4. A landscaping plan which demonstrates how the front setback area will be landscaped is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
5. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
6. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
7. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
8. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
9. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
10. All stormwater is to be disposed of on site and clear of all boundaries.
11. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
12. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
13. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without



20 September 2011

MINUTES

limitation any works associated with the proposal) which are required by another statutory or public authority.

14. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
- (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

264.4

T103.8 Angwin Street No. 15 (Lot 105) – Three Storey Dwelling

Applicant: Gary Keen Building Design

Owner: Denise Peggs

Application No. P108/2011

Mr Kris Keen (architect) addressed the meeting in support of his proposal.

Cr Martin – Cr Nardi

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for the following:

- the garage to be set back 4.4 metres from the road in lieu of the 7.5 metres requirement of the R-Codes;
- the garage to be forward of the residence in lieu of the requirements under LPP No. 142;
- overshadowing to exceed 25% by 6.1%;
- reduced setback to the southern and northern boundary;
- the maximum wall height to extend to 9.9 metres at the front of the site in lieu of the 6.5 metres permitted under LPP No. 142; and

for the construction of a new 3 storey residence and a swimming pool at No. 15 Angwin Street in accordance with the plans date stamp received on 26 July and 9 August 2011 subject to the following conditions:

1. The development shall be connected to the reticulated sewerage system prior to occupation.
2. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the Town of East Fremantle on advice from the Swan River Trust.
3. Any fence to be constructed along the boundary of the Parks Recreation reserve shall be open view with a maximum height of no more than 1.8 metres.
4. Front fencing to comply with the requirements of Local Planning Policy No. 143.
5. Prior to the installation of any externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-



20 September 2011

MINUTES

- conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.
6. A landscaping plan which demonstrates how the front setback area will be landscaped is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
 7. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 8. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 9. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 10. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 11. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a building licence.
 12. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 13. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
 14. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 15. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 16. Development is to meet the built form requirements for Area 2 of the Fremantle Port Buffer.
 17. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *The applicant should be aware that the placement of a pool in the front garden area is not a justification for a variation to Local Planning Policy No. 143 and accordingly there should not be any expectation that privacy screening associated with a pool would be approved.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*



20 September 2011

MINUTES

- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
 - (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
 - (e) *in regard to the condition relating to the finish of the neighbour's side of the parapet wall it is recommended that the applicant consult with the neighbour to resolve a mutually agreed standard of finish.*
 - (f) *with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
 - (g) *the patio may not be enclosed without the prior written consent of Council.*
 - (h) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
 - (i) *The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan River Trust Development Control Area, except with the approval of the Trust.*
 - (j) *The applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and harmonise with the river environment.*
- CARRIED**

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Collinson requested that the voting of Council members be recorded.

Crs Nardi, Martin, Lilleyman, Wilson & de Jong voted in favour of the recommendation with Crs Rico and Collinson having voted against the motion.

Cr Martin declared a proximity interest in the following item as she owns the property located opposite at 31 May Street and left the meeting at 8.37pm.

264.5 T103.13 May Street No. 32 (Lot 71) – Alterations and Additions

Applicant: Sandtracks Design

Owner: Melanie Withers

Application No. P109/2011

Cr Lilleyman – Cr Nardi

The adoption of the Committee's recommendation which is as follows:

That Council exercise its discretion in granting approval for the following:

- (a) a discretion to allow the construction of a boundary wall on the rear (eastern) boundary in a R12.5 coded area;

for the construction of single storey additions at No. 32 May Street, East Fremantle in accordance with the plans date stamp received on 27 July 2011 subject to the following conditions:

1. prior to the issue of a building licence amended plans to be submitted to show a compliant setback to the southern boundary.
2. prior to the installation of an externally mounted air-conditioning plant, a development application which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997 is to be lodged and approved by Council.
3. the works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. the proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building



20 September 2011

MINUTES

- licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. with regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 6. the proposed extensions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
 7. all stormwater is to be disposed of on-site and clear of all boundaries.
 8. all introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 9. any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
 10. this planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *under the Environmental Protection (Noise) Regulations 1997, the noise from an air conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise"*
- (e) *matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

CARRIED

Cr Martin returned to the meeting at 8.38pm and it was noted she had neither spoken nor voted on the previous motion.

264.6***En Bloc Recommendations******Cr Nardi – Cr Lilleyman***

That Council adopts en bloc the following recommendations of the Town Planning & Building Committee (Private Domain) Meeting of 13 September 2011.



20 September 2011

MINUTES

- (A) **T103.3 Oakover Street No. 65 (Lot 1)**
Applicant & Owner: Warwick Pointon
Application No. P98/2011

That Council exercise its discretion in granting approval for a variation to the requirements of Local Planning Policy No. 142 to allow a garage forward of the main building line for the construction of an open sided garage, a store area and the conversion of an enclosed garage into an activity room at No. 65A Oakover Street, East Fremantle in accordance with the plans date stamp received on 4 July 2011 and 2 August 2011 subject to the following conditions:

1. The retained garden area at the front of the property is to be landscaped to a high standard utilising shrubs/trees that will soften the appearance of the garage. In this regard a landscaping plan is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
2. The applicant to submit revised plans to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence that improve the visual interest of the residence as follows:
 - (a) the wall to the proposed store room to include a window opening to enhance the appearance of the dwelling.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. The proposed activity room is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. All stormwater is to be disposed of on site, clear of all buildings and boundaries.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.*
- (d) *all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*



20 September 2011

MINUTES

(B) T103.4 Allen Street No. 59 (Reserve 24703) – EF Croquet Club***Applicant: East Fremantle Croquet Club (Inc)******Owner: Vested in Town of East Fremantle******Application No. P111/2011***

That Council advise the Western Australian Planning Commission that it supports the application for the erection of four light poles to illuminate the courts at East Fremantle Croquet Club on the corner of Allen and Fletcher Streets, East Fremantle subject to the hours of illumination being restricted to no later than 10pm on any night.

(C) T103.9 Millenden Street No. 2 (Lot 2)***Owner: Ian & Asha Wright******Applicant: In-House Building Design******Application No. 107/2011***

That Council exercise its discretion in granting approval for the following:

- variation to the streetscape requirements of the Residential Design Codes to allow the portico to project more than 2 metres into the street setback area in lieu of the 1m incursion restriction;
- variation to the sight lines at vehicle access points to allow a non truncated access point;

for the construction of alterations and additions to the front of the residence at No. 2 Millenden Street, East Fremantle in accordance with the plans date stamp received on 25 July 2011 subject to the following conditions:

1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
4. All stormwater is to be disposed of on-site and clear of all boundaries.
5. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***
- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.***
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).***

(D) T103.10 Locke Crescent No. 19 (Lot 5008)***Applicant: Design Better Buildings******Owner: Travis French & Katherine Bailey******Application No. P91/2011***

That Council exercise its discretion in granting approval for the following:

- 850mm fill and retaining at the front of the residence in lieu of the 500mm permitted under the R-Codes.
- the stair well wall at the front of the residence to extend to a height of 7.0 metres in lieu of the 6.5 metre height limit required under LPP no. 142.



20 September 2011

MINUTES

for the construction of a new two storey dwelling at No. 19 Locke Crescent, East Fremantle in accordance with the plans date stamp received on 31 August 2011 subject to the following conditions:

1. Prior to the issue of a building licence, amended plans that reduce the visual dominance of the garage by aligning the front of the garage with the front wall of the stairwell to accord with the requirements of Local Planning Policy No. 142 are to be submitted to the satisfaction of the Chief Executive Officer.
2. The existing crossover to be removed and the verge re-instated prior to the dwelling being occupied.
3. a detailed schedule of materials and finishes to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
4. Prior to the installation of any externally mounted air-conditioning plant, a development application is to be lodged and approved by Council which demonstrates that noise from the air-conditioner will comply with the Environmental (Noise) Regulations 1997.
5. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
6. The area between the proposed residence and the swimming pool is to be landscaped to a high standard and this landscaping shall be maintained. In this regard a landscaping plan is to be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence.
7. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
8. The proposed dwelling is not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
9. All stormwater is to be disposed of on-site and clear of all boundaries.
10. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
11. Any new crossovers which are constructed under this approval are to be a maximum width of 3.0m, the footpath (where one exists) to continue uninterrupted across the width of the site and the crossover to be constructed in material and design to comply with Council's Policy on Footpaths & Crossovers.
12. In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
13. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (b) *a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) *it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record*



20 September 2011

MINUTES

of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected owner.

- (d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (e) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".*
- (f) with regard to construction of the crossover the applicant/builder is to contact Council's Works Supervisor.*
- (g) matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(E) T103.11 Gordon Street No. 5 (Lot 2 - SP1794)

Applicant: In House Building Design

Application No. P116/2011

That the planning application relating to 5 Gordon Street be deferred as per the applicant's request.

(F) T103.12 Alexandra Road No. 31 (Lot 44) – Deck/Verandah Extension & Minor Works

Applicant: Gerard McCann Architect

Owner: Yalena Pty Ltd

Application No. P110/2011

That Council exercise its discretion in granting approval for the following:

- (a) variation to the privacy requirements of the R-Codes to require only 1.5 metres of the west facing deck to be screened in lieu of the requirement to screen 2.5 metres;**

for the construction of alterations and a deck addition to the residence at No. 31 Alexandra Road, East Fremantle in accordance with the plans date stamp received on 28 July 2011 subject to the following conditions:

- 1. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.**
- 2. The proposed works are not to be commenced until Council has received an application for a demolition licence and a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.**
- 3. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.**
- 4. The proposed alterations/additions are not to be occupied until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.**
- 5. All stormwater is to be disposed of on site, clear of all buildings and boundaries.**
- 6. This planning approval to remain valid for a period of 24 months from date of this approval.**

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.***



20 September 2011

MINUTES

- (b) a copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*

(G) T103.14 Preston Point Road No. 188 (Lot 17)

Applicant: Carrie Hood

Owner: Dominic Ward

Application No. P109/2011

Council exercise its discretion in granting approval for:

- the minor incursion into the front setback area of 1.9 metres in lieu of the 1.0 metre requirement as per the R-Codes
- a boundary wall on a R12.5 coded site and not adjoining a similar wall as per the R-Codes

for a three-storey single house at No. 188 (Lot 17) Preston Point Road, East Fremantle as shown on plans received 8 August 2011 subject to the following conditions:

1. All parapet walls are to be fair faced brickwork or cement rendered to the adjacent property face by way of agreement between the property owners and at the applicant's expense.
2. All storm water resulting from the development is to be retained on site and clear of all boundaries.
3. The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
4. The proposed works are not to be commenced until Council has received an application for a building licence and the building licence issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
5. With regard to the plans submitted with respect to the building licence application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
6. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

That the applicant be advised of the following:

- (a) A copy of the approved plans as stamped by Council are attached and the application for a building licence is to conform with the approved plans unless otherwise approved by Council.*
- (b) All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (c) Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (d) The applicant should be aware that the placement of a pool in the front garden area is not a justification for a variation to Local Planning Policy No. 143 and accordingly there should not be any expectation that privacy screening associated with a pool would be approved.*



20 September 2011

MINUTES

265. FINANCE**265.1 Monthly Financial Activity Statement for Period Ending 31 August 2011**
*By John Roberts Executive Manager Finance & Administration on 14 September 2011***PURPOSE**

To provide financial information to Elected Members. This statement outlines operating and capital revenues and expenditures in accordance with statutory requirements.

BACKGROUND

The monthly Financial Activity Statement for the period ending 31 August 2011 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments and rating information.
- Capital expenditure Report

ATTACHMENT

The attached Financial Activity Statement is prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; with additional material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

REPORT**Introduction/Comments**

The following is summary information on the attached financial reports:

The August 2011 year to date Financial Activity Statement report shows an overall actual surplus of \$5,580,638 compared to the year to date budget of \$5,460,015 a favourable variance of \$120,623.

Revenue and expenditure variances are generally timing in nature. The surplus is large at the start of the year as the full year rate revenue is brought to account. This surplus will decrease in the remaining months of 2011/12 as it is used to fund expenditure providing works and services.

The overall favourable variance of \$120,623 can be analysed as follows:

- The YTD actual Operating Revenue is \$6,206,055 compared to the YTD budget of \$6,173,510, a favourable variance of \$32,545. The variance is due primarily to higher than budgeted rate revenue, earlier than anticipated receipt of HACC and Capital grants and a favourable variance in Commercial Waste Service charges.
- The YTD actual Operating Expenditure is \$1,220,284 compared to the YTD budget of \$1,147,186, an unfavourable variance of \$73,098. The variance is due primarily to higher than anticipated expenditure in the HACC program, and parks/reserves/works maintenance.
- The YTD actual Capital Expenditure is \$224,395 when compared to the YTD budget of \$335,306 a favourable variance of \$110,911. The variance is due to the timing of undertaking road and building works.

Statutory Requirements

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)



20 September 2011

MINUTES

Relevant Council Policies

Significant accounting policies are adopted by Council on a periodic basis. These policies are used in the preparation of the statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The August 2011 Financial Activity Statement shows variances in income and expenditure when compared with budget estimates.

Conclusion

The attached Financial Activity Statement for the period 1 July 2011 to 31 August 2011 is presented to the Council for information.

RECOMMENDATION

That the Financial Activity Statement for the period ending 1 July 2011 to 31 August 2011 be received.

Cr Rico – Cr Collinson

That the Financial Activity Statement for the period ending 1 July 2011 to 31 August 2011 be received. CARRIED

265.2

Accounts for Payment – August 2011

By John Roberts, Executive Manager Finance & Admin on 15 September 2011

PURPOSE

To endorse the list of payments for the period 1 August to 31 August 2011.

BACKGROUND

It is a requirement of the Financial Management Regulations that the monthly Accounts for Payment are endorsed by the Council. The List of Accounts is attached.

ATTACHMENT**REPORT****Comments/Discussion**

The List of Accounts for the period beginning 1 August and ending 31 August 2011 require endorsement by the Council.

RECOMMENDATION TO COUNCIL

That the List of Accounts for the period beginning 1 August and ending 31 August 2011 be received, as per the following table:

August 2011		
Voucher Nos	Account	Amount
4186 – 4209	Municipal (Cheques)	\$18,414.71
EFT 14267 – EFT 14396	Electronic Transfer Funds	\$668,871.66
Payroll	Electronic Transfer Funds	\$193,862.55
	Municipal Total Payments	\$881,148.92

Following queries from elected members, the CEO undertook to provide further information regarding Cheque Nos 4199 & 4203 and EFTs 14352 & 14358.



20 September 2011

MINUTES

Cr Collinson – Cr Nardi**That the List of Accounts for the period beginning 1 August and ending 31 August 2011 be received.****CARRIED****266. REPORTS OF CHIEF EXECUTIVE OFFICER****266.1 Royal George Hotel**

The CEO spoke briefly with respect to the following email and a memo from himself, both of which had been included in the agenda:

"I received the attached email from Clinton Matthews of Matthews Architecture on 14 September.

ATTACHMENT

The email followed contact the day before with Cr de Jong in which Mr Matthews is understood to have advised Cr de Jong he wished to make a "presentation" to elected members next Tuesday.

Following that contact, in discussion with the Mayor and Cr de Jong that evening, it had been agreed that Mr Matthews, for a number of reasons of good governance and sound and normal planning processes, should make any presentation or submission to the Manager Planning Services in the first instance, particularly as no planning application has been received.

For the record, an earlier request from Mr Matthews to informally discuss his plans for the Royal George with the Mayor, Cr de Jong, the Chief Executive Officer and the Manager Planning Services was agreed to and that presentation took place on 18 August. However Mr Matthews at that time was only a prospective applicant with respect to the National Trust's developer selection processes and the purpose of the meeting was for Mr Matthews to gain some insight of Council's position on various aspects. In the light of Mr Matthews' subsequent selection by the National Trust as the (new) "preferred developer for the Royal George Hotel" that situation has changed, and particularly as, in his email, it was now being indicated the purpose of meeting with elected members was to obtain "an indication from Council regarding the proposal" in order "to progress the proposal". In short, it is considered important that normal and proper process is now fully followed.

This has been discussed with Mr Matthews. It was pointed out that elected members (in addition to the fact there was a Council Meeting on Tuesday night) would not be in a position to properly give an indication of any support for a proposal:

- (i) without officers' advice*
 - (ii) without the necessary public consultation*
- (noting the statutory requirements in each case).*

Mr Matthews accepted that advice and stated he would arrange to meet the Manager Planning Services and myself (which he specifically requested) prior to his forthcoming departure overseas."

Considerable discussion ensued.

Cr Martin – Cr Nardi

In the interests of a collaborative approach, the CEO write to the National Trust seeking urgent clarification regarding the status of the Royal George Hotel planning approval, including any brief that has been provided to Matthews Architecture.

CARRIED UNANIMOUSLY

Cr de Jong declared a proximity interest in the following item as he owns the property 126 Preston Point Road, located opposite this reserve, and left the meeting at 9.25pm.

The CEO advised that in the absence of Cr de Jong, it was necessary to elect a Presiding Member.



20 September 2011

MINUTES

Cr Martin – Cr Nardi**That Cr Wilson be appointed as Presiding Member in Cr de Jong's absence.**CARRIED

Cr Wilson assumed the Chair.

The Manager Planning Services left the meeting at 9.35pm.

Cr Wilson made the following impartiality declaration in the matter of the East Fremantle Football Club lighting application: "As a consequence of my son playing football for the East Fremantle Football Club, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits in terms of the benefit to the Town and vote accordingly".

266.2 East Fremantle Junior Football Club Lighting Application

The CEO tabled a draft letter to the Swan River Trust, which is about to consider this application, and outlined the manner and results of the public consultation which the East Fremantle Junior Football Club had conducted in the matter.

Considerable discussion ensued.

Cr Nardi – Cr Rico

That the Swan River Trust be advised that Council is satisfied that the public consultation for the East Fremantle Junior Football Club's lighting application has been carried out appropriately and supports the application. CARRIED

Cr de Jong returned to the meeting at 9.45pm and it was noted he had neither spoken nor voted on the previous motion.

Cr de Jong resumed the Chair.

*The Minute Secretary left the meeting at 9.46pm.***266.3 Elections**

The CEO formally reported that following the close of nominations at 4pm, the following elected members had been declared elected unopposed:

Cr Sian Martin	Plympton Ward	4 year term
Cr Maria Rico	Woodside Ward	4 year term
Cr Barry de Jong	Preston Point Ward	4 year term
Cr Cliff Collinson	Richmond Ward	4 year term

266.4 Appointment of Members to Standing Committees and Other Bodies

The CEO advised that, pursuant to the relevant statutory requirements, following the ordinary elections to be held on Saturday, 15 October 2011, there would be a spill of all committee and other appointments (including that of Deputy Mayor) and new nominations called for. This would occur at the Council Meeting to be held on Tuesday, 18 October 2011.

The CEO invited elected members to consider in advance which positions they wished to nominate for.

266.5 Food Recall

The CEO drew elected members' attention to two current food recalls:

- (i) Little Creatures Beer (Bright Ale Pint, Pale Ale Pint, The Dreadnought Single Batch Pint) recalled due to the presence of glass
- (ii) Mainland Extra Tasty Cheddar Cheese recalled due to metal fragments.

266.6 Reception for U15 Boys and Girls' Australian Lacrosse Championships

The CEO advised that, after earlier discussion with the Mayor, it had been agreed to hold a Council reception for participants of the abovementioned national championships. It was expected about 25 young persons, representing the 12 teams involved, and 10 adults would be present.



20 September 2011

MINUTES

This would be held on Tuesday, 4 October 2011, commencing at 5.30pm.

All elected members present advised they would be able to attend although Cr Martin indicated she would not be able to attend until 6pm,

266.7 John Roberts' Farewell

All elected members were invited to John Roberts' farewell which is to commence at 4pm this Friday.

267. CONFIDENTIAL BUSINESS

Nil.

268. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

269. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

270. CLOSURE OF MEETING

There being no further business, the meeting closed at 10.17pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **20 September 2011**, Minute Book reference **247. to 270.** were confirmed at the meeting of the Council on*

.....

Presiding Member